

absence to Hon. J. O. Woodward, Judge of the Thirty-fifth Judicial District.

S. C. R. No. 5, accepting an invitation to visit the Eastland and Stephens County oil fields, and providing for the date of said trip.

H. C. R. No. 1, inviting Hon. Litcher Stark to address a joint session of the House and Senate at a time that is convenient to him.

H. B. No. 1, A bill to be entitled "An Act levying an occupation tax upon the right and privilege of producing oil in this State by taking same from the earth; defining the words 'person,' 'market value' and 'oil,' levying such tax against those engaged in such production; requiring reports to be made in order to ascertain the amount of said tax due the State; prescribing penalties for failure to comply with the act requiring reports to be made, and requiring said tax to be paid within a certain time; making necessary provision for carrying into effect the act and accomplishing its purpose; amending Article 7383, Chapter 2 of Title 126 of the Revised Civil Statutes of 1911, as amended; and declaring an emergency."

Respectfully submitted.

C. L. PHINNEY,
Chief Clerk, House of Representatives.

House Bills Read and Referred.

The Chair (Lieutenant Governor Davidson), had referred, after its caption had been read, the following House bill:

H. B. No. 1, to the Committee on State Affairs.

Adjournment.

On motion of Senator Strong, the Senate at 3:25 p. m. adjourned until 10 o'clock a. m. tomorrow.

APPENDIX.

Committee Reports.

Senate Chamber,
Austin, Texas, April 19, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had Senate Bill

No. 18 carefully compared and find same to be correctly engrossed.

DOYLE, Chairman.

Committee Room,

Austin, Texas, April 18, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 10, A bill to be entitled "An Act to amend Article 376 of Chapter 6, Title 8 of the Penal Code of the State of Texas, 1911, by adding thereto a provision permitting majority of board of trustees of independent school districts to select as depository of such independent school district a bank of which not more than two members of such board of trustees are officers or stockholders and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

WOOD, Chairman.

Committee Room,

Austin, Texas, April 19, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 20, A bill to be entitled "An Act making an appropriation for additional inspectors for the Live Stock Sanitary Commission to pay compensation or expenses of such inspectors, said appropriation to be available for the fiscal year ending August 31, 1923; and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass and be not printed.

WOOD, Chairman.

FIFTH DAY.

Senate Chamber,

Austin, Texas,

Friday, April 20, 1923.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by President Pro Tem Murphy.

The roll was called, a quorum being present, the following Senators answering to their names:

Bailey.	Parr.
Baugh.	Pollard.
Bledsoe.	Rice.
Bowers.	Ridgeway.
Cousins.	Rogers.
Davis.	Strong.
Doyle.	Thomas.
Dudley.	Turner.
Fairchild.	Watts.
Floyd.	Wirtz.
Holbrook.	Witt.
Lewis.	Wood.
McMillin.	Woods.
Murphy.	

Absent.

Burkett.	Stuart.
Darwin.	

Absent—Excused.

Clark.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Doyle.

S. B. No. 17—Re-referred.

On motion of Senator Baugh, S. B. No. 17, heretofore referred to the Committee on State Affairs, was re-referred to the Committee on Mining, Irrigation and Drainage.

Bills on First Reading.

The following bills, introduced today, were each read first time and referred to appropriate committees as follows:

By Senator Ridgeway:

S. B. No. 28, A bill to be entitled "An Act amending the statutes relative to the State Tuberculosis Sanatorium and making provision for an addition to the said Sanatorium now located near Carlsbad, Texas, so as to make possible the acceptance, treatment and care of cases in any stage of advancement."

To the Committee on Public Health.

By Senator Wood:

S. B. No. 29, A bill to be entitled "An Act making certain emergency and supplemental appropriations out of the general revenues of the State Government as named herein for the balance of the fiscal year ending August 31, 1923, and declaring an emergency."

To the Committee on Finance.

By Senator Fairchild:

S. B. No. 30, A bill to be entitled "An Act to amend Section 36, Acts of 1919, Second Called Session, Chapter 78, of the General Laws of the State of Texas, so as to provide adequate and proper punishment for the violation of said chapter, same being the Statewide Intoxicating Liquor Prohibition Law, and declaring an emergency."

To the Committee on Civil Jurisprudence.

By Senator Wood:

S. B. No. 31, A bill to be entitled "An Act to make appropriations to cover authorized deficiencies for the fiscal year ending August 31, 1923, and declaring an emergency."

To the Committee on Finance.

By Senator Wood:

S. B. No. 32, A bill to be entitled "An Act making appropriations for the State Government for two years beginning September 1, 1923, and ending August 31, 1925, and for other purposes and prescribing certain regulations and restrictions in respect thereto; and declaring an emergency."

To the Committee on Finance.

Senate Concurrent Resolution No. 6.

By Senators Wirtz, Dudley, Fairchild and Burkett:

"Whereas, The San Antonio Light, in its edition of April 19, 1923, carried a report of a speech alleged to have been made by one Hull Youngblood, wherein said speaker is quoted as having charged that bribery and other dishonorable and disgraceful practices are frequently resorted to in the passage of legislation by the Legislature of Texas; and

"Whereas it is to the interest of the people of Texas, and the reputation and integrity of the members of this Legislature, that said charges be investigated, to ascertain whether they be true or false; if they be true, the parties guilty of such practices be exposed and punished, and if they be false, that the author thereof be exposed, and their falsity be made known to the people of Texas; and therefore, be it

Resolved, by the Senate of Texas, the House of Representatives concurring, that a committee be ap-

pointed, consisting of three members of the Senate, to be named by the President of the Senate and five members of the House of Representatives to be named by the Speaker of the House, to investigate the charges alleged to have been made in said speech by said Youngblood, and to report the result of its investigations to the Legislature at the present session thereof; that said committee have authority to issue process and compel the attendance of witnesses, to hold open meetings at such times and places as to the committee may seem proper; and to exercise all powers and authority provided by general law for the conduct of legislative investigations. That the expense incurred by said committee in conducting said investigation be paid out of the contingent expense of the Senate and House by warrants drawn thereon."

The resolution was read and adopted.

S. B. No. 20 on Second Reading.

The Chair laid before the Senate as regular order, on its second reading,

S. B. No. 20, A bill to be entitled "An Act making an appropriation for additional inspectors for the Live Stock Sanitary Commission to pay compensation or expenses of such inspectors, said appropriation to be available for the fiscal year ending August 31, 1923; and declaring an emergency."

The bill was read second time.

Senator Bowers raised the point of order that the bill had not been printed. The Chair (President Pro Tem Murphy) sustained the point of order.

Senator Parr moved that the Senate rule requiring bills to be printed, be suspended.

The roll was called and the motion was lost by the following vote, not receiving the necessary two-thirds majority.

Yeas—16.

Bailey.	Parr.
Baugh.	Rice.
Bledsoe.	Ridgeway.
Davis.	Rogers.
Dudley.	Strong.
Floyd.	Turner.
Holbrook.	Watts.
Murphy.	Wood.

3—Jour.

Nays—11.

Bowers.	McMillin.
Cousins.	Pollard.
Darwin.	Thomas.
Doyle.	Wirtz.
Fairchild.	Woods.
Lewis.	

Absent.

Burkett.	Witt.
Stuart.	

Absent—Excused.

Clark.

Report of Penitentiary Investigating Committee.

Senator Wood called up the report of the Penitentiary Re-Locating Committee appointed during the Regular Session of the Thirty-eighth Legislature, found on page 1383 of the Senate Journal of that Legislature.

Senator Bailey raised the point of order that the matter contained in the resolution could not properly be considered at this Called Session of the Legislature for the reason that the subject matter therein had not been submitted by the Governor.

The Chair (President Pro Tem Murphy), overruled the point of order.

Senator Cousins moved that further consideration of the reports of the committee be postponed to such date as may be agreed upon between Senators Wood and Lewis.

Senator Bailey moved as a substitute that the reports be laid on the table subject to call until such time as the Governor may submit such matter for legislation.

Yeas and nays were demanded and the motion to lay on the table subject to call prevailed by the following vote:

Yeas—16.

Bailey.	Lewis.
Baugh.	Murphy.
Bowers.	Pollard.
Cousins.	Rogers.
Darwin.	Thomas.
Davis.	Turner.
Fairchild.	Watts.
Holbrook.	Wirtz.

Nays—8.

Bledsoe.	Ridgeway.
Dudley.	Witt.
McMillin.	Wood.
Rice.	Woods.

Present—Not Voting.

Floyd.

Absent.

Burkett.

Strong.

Doyle.

Stuart.

Parr.

Absent—Excused.

Clark.

S. B. No. 20—Ordered Printed in the Journal.

On motion of Senator Parr, S. B. No. 20 was ordered printed in the Journal.

Recess.

On motion of Senator Bailey, the Senate at 11:25 a. m. recessed until 3 p. m. today.

Afternoon Session.

The Senate met at 3 p. m. and was called to order by President Pro Tem Murphy.

S. C. R. No. 6—Committee Appointed.

The Chair announced the appointment of the following investigating committee on the part of the Senate by virtue of S. C. R. No. 6: Senators Wirtz, Holbrook and Davis.

Simple Resolution No. 13.

By Senator Bailey:

Whereas, The Senate of Texas has learned with profound regret that the Senator from the Twenty-fifth Senatorial District of Texas, Hon. R. M. Dudley, of El Paso County, Texas, who has recently been elected Mayor of the City of El Paso, will, on tomorrow, tender his resignation as Senator to the Governor of this State in order to assume the duties and obligation of that position to which he has recently been elected, thereby severing his connection with this body, and retiring from the Senate of this State; now therefore, be it

Resolved, by the Senate of Texas: That in the retirement of Senator Dudley from this body it will lose one of its most useful, patriotic and untiring members who, true to every

trust confided in him, has at all times and on all occasions with the courage of his convictions faithfully, zealously, courageously and loyally represented the people of his district in the fullest acceptance of that term. As a Senator, both in committee work and debate in the Senate, while earnest and positive in his conclusions, he has still at all times been courteous in his bearing and the positions that he has taken on all questions, and considerate of the feelings of his colleagues; as President Pro Tem and presiding officer, to which position he was unanimously elevated by his colleagues, he has been fair in his rulings on all occasions, presiding with dignity and dispatching the work of the Senate at all times while presiding over it; and as a man, he has attracted the admiration of those with whom he came in contact, and endeared himself to all those whose pleasure it was to meet him and greet him during the many years of his membership in this body, and whose best wishes will follow him to his home and to his friends.

The resolution was read.

Senator Woods moved that a copy of the above resolution subscribed to by all Senators so desiring, be made and mailed to Senator Dudley, and the motion carried.

On motion of Senator Woods, the resolution was then adopted unanimously by a rising vote of the Senate.

House Concurrent Resolution No. 2.

The Chair laid before the Senate for consideration at this time, H. C. R. No. 2, as follows:

Whereas, In many States a prison survey has proven helpful in assisting the State authorities and their legislature in solving prison problems; and

Whereas, A scientific survey of our prison system will help the prison authorities and our legislative committees in securing information and legislation that will correct our prison difficulties that we are now laboring under; and

Whereas, It is a Democratic platform demand that such survey be made; and

Whereas, The Texas Prison Committee has agreed to undertake the

financing of such survey; therefore, be it

Resolved, By the House of Representatives, the Senate concurring, That we authorize the Texas Prison Committee—a division of the National Committee on Prison and Prison Labor—to make without cost to the State, a scientific survey of the prison system of Texas, and that said committee be authorized to call to its assistance such experts as it may desire to assist in the making of the said survey. Be it further

Resolved, That we request the said Committee to have printed the results of said survey, to the end that the citizenship of this State, and the members of succeeding Legislatures, be advised of the recommendations that point the way for securing a modern and efficient prison system for this State.

The resolution was read.

Senator Fairchild moved to refer the resolution to the Committee on State Penitentiaries.

Senator Pollard moved to table the motion to refer.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—18.

Baugh.	Pollard.
Bledsoe.	Rice.
Burkett.	Rogers.
Darwin.	Turner.
Davis.	Watts.
Floyd.	Wirtz.
Lewis.	Witt.
McMillin.	Wood.
Murphy.	Woods.

Nays—4.

Doyle.	Holbrook.
Fairchild.	Strong.

Present—Not Voting.

Cousins.

Absent.

Bailey.	Ridgeway.
Bowers.	Stuart.
Dudley.	Thomas.
Parr.	

Absent—Excused.

Clark.

Question then recurred on the adoption of the resolution.

Yeas and nays were demanded, and the resolution was adopted by the following vote :

Yeas—17.

Baugh.	Rice.
Bledsoe.	Rogers.
Burkett.	Turner.
Darwin.	Watts.
Davis.	Wirtz.
Floyd.	Witt.
Lewis.	Wood.
Murphy.	Woods.
Pollard.	

Nays—5.

Bailey.	Holbrook.
Doyle.	Strong.
Fairchild.	

Present—Not Voting.

Cousins.

Absent.

Bowers.	Stuart.
Dudley.	Thomas.
Parr.	

Absent—Excused.

Clark.

(Pair Recorded.)

Senator McMillin (present), who would vote yea with Senator Ridgeway (absent), who would vote nay.

Senator Pollard moved to reconsider the vote by which the resolution was adopted and table the motion to reconsider.

The motion prevailed.

Message from the House.

Hall of the House of Representatives,
Austin, Texas, April 20, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. C. R. No. 2, Relating to a Prison Survey.

S. C. R. No. 6, Appointing a committee from the House and Senate to investigate a speech delivered in San Antonio by Hull Youngblood on April 19, 1923, and defining the powers of the investigating committee. The following committee is appointed on part of the House: Shires, Patman, Beasley, Lewis and Irwin.

Respectfully submitted,

C. L. PHINNEY,
Chief Clerk, House of Representatives.

Adjournment.

On motion of Senator Bailey the Senate at 4 p. m. adjourned until 10 o'clock a. m. next Monday.

APPENDIX.**Committee Reports.**

(Floor Report.)

Hon. T. W. Davidson, President of the Senate.

Sir: We, a majority of your Committee on Judicial Districts, to whom was referred

S. B. No. 21, A bill to be entitled "An Act to create the Eleventh Supreme Judicial District of Texas, and reorganizing the Supreme Judicial Districts of Texas."

Having had the same under consideration, beg leave to report it back with the recommendation that it do pass.

Pollard, Chairman; Fairchild, Vice Chairman, Davis, Doyle, Wirtz.

Committee Room,

Austin, Texas, April 20, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 4, A bill to be entitled "An Act making an emergency appropriation for the Adjutant General of this State, made necessary by emergencies arising in declaring marshal law in this State, and declaring an emergency."

Have had the same under consideration, and I am instructed by the committee to report the same back to the Senate with the recommendation that it do pass.

WOOD, Chairman.

Committee Room,

Austin, Texas, April 20, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 16, A bill to be entitled "An Act providing that all fees remitted by county superintendents to the State Department of Education for teachers examinations authorized in Section 7, Chapter 129, of the General Laws of the Regular Session of the Thirty-seventh Legislature, also all fees remitted to the State De-

partment of Education by conductors of summer normal institutes, and also any other fees collected by the State Department of Education for any purpose whatsoever, shall be paid to the State Treasurer, and providing that such fees shall be appropriated and expended by the Legislature from time to time, and declaring an emergency."

Have had the same under consideration, and I am instructed by the committee to report the same back to the Senate with the recommendation that it do pass.

WOOD, Chairman.

Committee Room,

Austin, Texas, April 20, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 29, A bill to be entitled "An Act making certain emergency and supplemental appropriations out of the general revenues of the State Government as named herein for the balance of the fiscal year ending August 31, 1923, and declaring an emergency."

Have had the same under consideration, and I am requested by the committee to report the same back to the Senate with the recommendation that it do pass.

WOOD, Chairman.

Committee Room,

Austin, Texas, April 20, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 31, A bill to be entitled "An Act to make appropriations to cover authorized deficiencies for the fiscal year ending August 31, 1923, and declaring an emergency."

Have had the same under consideration, and I am instructed by the committee to report the same back to the Senate with the recommendation that it do pass.

WOOD, Chairman.

Committee Room,

Austin, Texas, April 20, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 32, A bill to be entitled "An Act making appropriations for

the State Government for two years beginning September 1, 1923, and ending August 31, 1925, and for other purposes and prescribing certain regulations and restrictions in respect thereto; and declaring an emergency."

Have had the same under consideration, and I am requested by the committee to report the same back to the Senate with the recommendation that it do pass.

WOOD, Chairman.

SIXTH DAY.

Senate Chamber,
Austin, Texas.

Monday, April 23, 1923.

The Senate met at 10 o'clock, a. m., pursuant to adjournment, and was called to order by Lieutenant Governor T. W. Davidson.

The roll was called, a quorum being present, the following Senators answering to their names:

Bailey.	Murphy.
Baugh.	Parr.
Bledsoe.	Pollard.
Bowers.	Rice.
Burkett.	Rogers.
Clark.	Strong.
Cousins.	Stuart.
Darwin.	Thomas.
Doyle.	Turner.
Fairchild.	Watts.
Floyd.	Witt.
Holbrook.	Wood.
McMillin.	Woods.

Absent.

Davis.	Lewis.
Dudley.	Ridgeway.

Absent—Excused.

Wirtz.

Prayer by the chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Watts.

(See Appendix for committee reports, petitions and memorials.)

Excused.

Senator Wirtz for today, on account of important business, on motion of Senator Fairchild.

Senator Holbrook for today, on account of committee work, on motion of Senator Bailey.

Senate Concurrent Resolution No. 7.

By Senator Woods:

Whereas, The wild birds and the wild flowers, native to Texas, are fast disappearing before the march of population, the advancing destruction of its forests and the extension of its cultivated lands, covering its broad prairies, and

Whereas, Many nature loving citizens have come together in the organization of clubs and societies to promote an increasing interest in the protection and conservation of our native wild birds and flowers, in extending hospitality to the migratory birds and the organization of Junior Audubon Societies among the young people, and

The Legislature of Texas desires to encourage the laudable purposes inspiring these societies and to add its approval thereto, therefore, be it

Resolved, By the Senate of Texas, the House of Representatives concurring, That the Governor of the State be respectfully requested to designate by proclamation some suitable day, preferably the first day of May, as

"Bird and Wild Flower Day"

and to suggest to the people of the State that it be so recognized and appropriately observed, not that it be made a legal holiday, but that the thoughts of our people, the older and especially the younger, may be impressed with the great importance of preserving our native wild birds and flowers.

The resolution was read and adopted.

Simple Resolution No. 14.

By Senator Wood:

Whereas, Senator R. M. Dudley, who has represented the Twenty-fifth Senatorial District in the Thirty-eighth Legislature, has resigned, and

Whereas, Mrs. Elma Merryman has been acting as his private secretary during the Thirty-eighth Legislature, and

Whereas, It is necessary for someone to take care of the notary list